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Attorney Docket No. 00-18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Holloway *et al.*
ASSIGNEE : ZYMOGENETICS, INC.
SERIAL NUMBER : 09/781,077 EXAMINER : C. Saoud, Ph.D.
FILING DATE : February 9, 2001 ART UNIT : 1647
FOR : INSULIN HOMOLOG POLYPEPTIDE ZINS4

I hereby certify that this correspondence with the enclosures listed below is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Kim M. Goplen
Kim M. Goplen

October 1, 2003
Seattle, Washington

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO COMMISSIONER FOR WITHDRAWAL OF A HOLDING OF
ABANDONMENT OF AN APPLICATION UNDER 37 C.F.R. §1.181(a)**

Sir:

Applicants respectfully request the Withdrawal of the August 12, 2003 Holding of Abandonment in the above-identified application. Applicants believe the Examiner abandoned the Application and filed this Notice of Abandonment in error. Accordingly, Applicants hereby Petition for Withdrawal of a Holding of Abandonment for this Application, and request consideration of the June 19, 2003 Amendment and Response under 37 C.F.R. §1.111. In support of this Petition, Applicants enclose a brief statement of the facts under 37 C.F.R. §1.181(b); an Affidavit of Amy Beatty-Yasutake under 37 C.F.R. §1.132; and a copy of the Amendment as filed, including a copy of the date stamped Return Postcard and Express Mail Label.

BRIEF STATEMENT OF THE FACTS UNDER 37 C.F.R. §1.181(B)

According to the Notice of Abandonment mailed August 12, 2003, the Application was abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on Dec 19, 2002." (Exhibit A). The Office letter mailed on December 19, 2002 was a Non-final Office Action (Exhibit B), which was due no later than Thursday, June 19, 2003, with the appropriate Extension of Time pursuant to 37 C.F.R. §1.136(a). Accordingly, Applicants filed a Response and Amendment under 37 C.F.R. §1.111 to the December 19, 2002 Non-final Office Action on Thursday, June 19, 2003. The Response, including a Certificate of Mailing under 37 C.F.R. §1.10, was mailed using the United States Postal Service's Express Mail, and included the Amendment under 37 C.F.R. §1.111, an Amendment Fee Transmittal (in duplicate), a Petition and Fee for a three (3) month Extension of Time (in duplicate), and a stamped Return Postcard (Exhibit C). The Response was mailed by Amy Beatty-Yasutake, as described in the accompanying declaration under 37 C.F.R. § 132. Accordingly, Applicants believe that the June 19, 2003 Response and Amendment was a proper and timely reply. Subsequently, Applicants received the Return Postcard on June 26, 2003, the Return Postcard having been stamped by OIPE as received on **June 19, 2003** (Exhibit D). Applicants also filed a Supplemental Amendment on August 11, 2003 (Exhibit E). The Supplemental Amendment was filed because Applicants inadvertently failed to enclose the replacement sequence listing referred to in the Remarks of the June 19, 2003 Response and Amendment under 37 CFR § 1.111. Thus, Applicants further assert that the reply to the December 19, 2003 Office Action was proper and timely. Accordingly, Applicants believe that the present Holding of Abandonment was filed in error, and should be withdrawn.

CONCLUSION

On the basis of the foregoing remarks and the evidence presented herewith, Applicants respectfully request withdrawal of the August 12, 2003 Holding of Abandonment and consideration of the June 19, 2003 Response and Amendment. Applicants believe that no fee is currently due. However, the Commissioner is hereby authorized to charge any fee due with this submission, or credit any overpayment of same, to Deposit Account No. 26-0290; Reference No. 00-18.

Respectfully submitted,

Dated: October 1, 2003



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Enclosures:

- Declaration of Amy Beatty-Yasutake
- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E